

Exhibit “A”

Plaintiff's Complaint

1 **COMP**

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CASE NO: A-21-844612-C
 Department 32

LAWRENCE C. HILL
 & ASSOCIATES, LTD.

9 **EIGHTH JUDICIAL DISTRICT COURT OF NEVADA**10 **CLARK COUNTY, NEVADA**

12 CYRUS BOLOOR, an individual;

Case No.:

13 Plaintiff,

Dept. No.:

14 vs.

15 **COMPLAINT**

16 WALMART, INC., a Foreign Corporation
 17 d/b/a SAM'S CLUB; SAM'S WEST, INC, a
 18 Foreign Corporation d/b/a SAM'S CLUB;
 DOES I through X; ROE CORPORATIONS,
 I through X, inclusive;

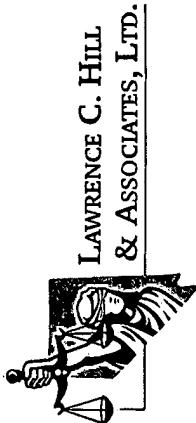
19 Defendants.

21
 22 Plaintiff, Cyrus Boloor, by and through his attorneys of record, Lawrence C. Hill, Esq.
 23 and Sean P. O'Callaghan, Esq. of LAWRENCE C. HILL & ASSOCIATES, hereby alleges and
 24 avers as follows:

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PARTIES

1. Plaintiff, Cyrus Boloor (“Plaintiff”) is and was at all times mentioned herein, a resident
2 of Clark County, Nevada.

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4. Defendant, Walmart, Inc. (individually and collectively with other Defendants, “Sam’s
5 Club”) is and was at all times mentioned herein, a foreign corporation doing business as “Sam’s
6 Club” in Clark County, Nevada.

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8. Defendant, Sam’s West, Inc. (individually and collectively with other Defendants,
9 “Sam’s Club”) is and was at all times mentioned herein, a foreign corporation doing business as
10 “Sam’s Club” in Clark County, Nevada.

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12. The incident complained of occurred in Clark County, Nevada.

13. That Defendants DOES I through X, inclusive, and ROE CORPORATIONS I through X,
14 whether individual, corporate, associates or otherwise, are fictitious names of Defendants whose
15 true names and capacities, which at this time, are unknown to Plaintiff; Plaintiff is informed and
16 believe and allege that Defendants at all relevant time, are responsible for the subject incident;
17 once Defendants’ true names become known to Plaintiff, Plaintiff will ask leave of this Court to
18 amend this Complaint to insert said true names and capacities.

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JURISDICTION AND VENUE

21 6. Plaintiff resides within, and the acts complained of herein occurred within, Clark County,
22 Nevada.
23
24 7. Defendants are foreign corporations incorporated in Delaware and doing business within
25 Clark County, Nevada, where the incident complained of herein occurred.

8. The facts and evidences of this Complaint arise and can be found within Clark County, Nevada.

9. The damages complained of are in an amount sufficient to invoke the jurisdiction of this court, though not yet fully ascertained, said damages complained of are in excess of Fifteen Thousand Dollars (\$15,000.00).

GENERAL ALLEGATIONS

8 10. On or about September 18, 2021, Plaintiff was lawfully present on the Defendants'
9 premises an invitee and/or customer of Sam's Club located at 7175 Spring Mountain Road, Las
10 Vegas, Nevada 89117.

11. On or about September 18, 2021, Defendants, and each of them, negligently failed to
12 control, supervise, and maintain the premises and further failed to warn Plaintiff of hazards
13 which resulted in injury to the Plaintiff.
14

12. At all times relevant herein, Defendants, and each of them, created and/or maintained
13 hazardous conditions, to wit: a broken pallet ("the subject pallet") upon which cases of bottled
14 water were present and available for invitees and/or customers to retrieve and purchase.
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13. At all times relevant herein, the subject pallet was damaged in a manner that presented a
hazard to invitees and/or customers.

14. At all times relevant herein, the manner in which the cases of bottled water were present
on the subject pallet forced customers to walk and/or set foot upon the subject pallet, creating a
hazardous condition.

1 15. On or about September 18, 2021, the Plaintiff was retrieving a case of bottled water from
2 the subject pallet when the hazardous condition(s), as described herein, caused the Plaintiff to
3 fall and sustain injury.

4 16. At all times and places relevant herein, there existed no warning(s) or indication(s) of the
5 hazardous condition(s).

6 17. The hazardous condition was created and/or maintained by Defendants, and each of
7 them, including the agents and/or employees of the Defendants, and each of them.

8 18. The Defendants, and each of them, had actual and/or constructive notice of the hazardous
9 condition and failed to abate or remedy the hazardous condition.

10 19. As a result of the hazardous condition, Plaintiff suffered severe personal, and other items
11 of damage, the nature and extent of which are still not fully known.

12 20. At all times relevant herein, the hazardous conditions, and each of them, as described
13 herein, were foreseeably hazardous.

14 21. While yet uncertain, all of the forgoing items of damage together amount to a sum in
15 excess of Fifteen Thousand Dollars (\$15,000.00).

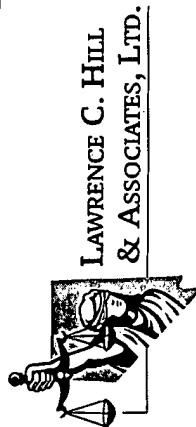
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19 **FIRST CAUSE OF ACTION**
20 **(Premises Liability)**

21 22. Plaintiff incorporates, by reference, each of the allegations set forth in the preceding
22 paragraphs as if fully set forth herein.

23 23. Plaintiff was an invitee and/or patron of Sam's Club and the property thereof.

24 24. Defendant, Sam's Club had a duty to forewarn invitees and/or patrons, including the
25 Plaintiff, of known hazards and hazards that should be known on the premises and to exercise

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1 reasonable care to protect invitees and/or patrons, including the Plaintiff, and to inspect and
2 eliminate the known and foreseeable hazards on the premises.

3 25. Defendant, Sam's Club, had a duty to periodically inspect and/or correct and/or remove
4 any natural and unnatural hazards on the premises, including hazards that pose a risk to invitees
5 and/or patrons, including the Plaintiff.

6 26. Defendants owed a duty of care to Plaintiff to adequately control and maintain the
7 premises in and around the property in a condition which would prevent injuries to lawfully
8 present invitees and/or patrons.

9 27. Defendants breach their duty of care to Plaintiff by failing to maintain the safety of the
10 premises and/or warn Plaintiff of hazards on the premises of which Defendants had actual or
11 constructive knowledge and which directly and proximately caused injury and damages to
12 Plaintiff.

13 28. As a direct and proximate result of this hazard and Defendants' breach of their duty of
14 care to Plaintiff and to maintain the safety of the premises, Plaintiff was injured, necessitating
15 medical treatment, past and future, in an amount in excess of Fifteen Thousand Dollars
16 (\$15,000.00).

17 29. As a direct and proximate result of this hazard and Defendants' breach of their duty of
18 care to Plaintiff and to maintain the safety of the premises, Plaintiff incurred expenses for
19 medical treatment in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

20 30. As a direct and proximate result of this hazard and Defendants' breach of their duty of
21 care to Plaintiff and to maintain the safety of the premises, Plaintiff suffered general damages for
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1 past and future pain, suffering, embarrassment, and loss of quality of life in an amount in excess
2 of Fifteen Thousand Dollars (\$15,000.00).

3 31. As a further direct and proximate result of this hazard and Defendants' breach of their
4 duty of care to Plaintiff and to maintain the safety of the premises, as set forth above, Plaintiff
5 has been required to retain an attorney to pursue this action against Defendants and is entitled to
6 recover reasonable attorney's fees and costs of litigation.
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8 **SECOND CAUSE OF ACTION**
9 (Negligence)

10 32. Plaintiff incorporates, by reference, each of the allegations set forth in the preceding
11 paragraphs as if fully set forth herein.

12 33. Defendants owed Plaintiff a duty of reasonable care to Plaintiff as an invitee and/or
13 patron.
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15 34. Defendants' acts or omissions aforementioned constitute a breach of their duty of
16 reasonable care.
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35. As a direct and proximate result of Defendants' negligence, Plaintiff suffered general
damages for past and future pain, suffering, embarrassment, and loss of quality of life in an
amount in excess of Fifteen Thousand Dollars (\$15,000.00).

36. As a direct and proximate result of this hazard and Defendants' breach of their duty of
care to Plaintiff and to maintain the safety of the premises, Plaintiff was injured, necessitating
medical treatment, past and future, in an amount in excess of Fifteen Thousand Dollars
(\$15,000.00).

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1 37. As a further direct and proximate result of Defendants' negligence, Plaintiff incurred, or
2 will incur, expenses for medical treatment in an amount in excess of Fifteen Thousand Dollars
3 (\$15,000.00).

4 38. As a further direct and proximate result of Defendant's negligence as set forth above,
5 Plaintiff has been required to retain an attorney to pursue this action against Defendants and is
6 entitled to recover reasonable attorney's fees and costs of litigation.
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THIRD CAUSE OF ACTION

10 39. Plaintiff incorporates, by reference, each of the allegations set forth in the preceding
11 paragraphs as if fully set forth herein.

12 40. Pursuant to N.R.S. 41.130, Defendants, and each of them, are vicariously liable for the
13 damages caused by their employees' actions and negligence, further encompassing the actions of
14 those hired by Defendants to maintain the premises and equipment. N.R.S. 41.130 states as
15 follows:
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17 Except as otherwise provided in N.R.S. 41.745, whenever any person shall suffer
18 personal injury by wrongful act, neglect or default of another, the person causing
19 the injury is liable to the person injured for damages; and where the person
20 causing the injury is employed by another person or corporation responsible for
his conduct, that person or corporation so responsible is liable to the person
injured for damages.

41. The acts and/or omissions which created the hazards causing Plaintiff's injuries were
42 committed by agents and/or employees of Sam's Club and each and every one of the Defendants,
43 and the Defendants hereby caused harm to the Plaintiff.

42. The acts and/or omissions by each and every Defendant occurred within the course and scope of the agent and/or employee's employment or contractual relationship with each and every Defendant.

43. Defendant, Sam's Club, is vicariously liable and/or jointly and severally liable for the negligence of its agents and employees, under the doctrine of *respondeat superior*, which directly and proximately resulted in Plaintiff's injuries and damages.

44. As a direct and proximate result of Defendants' negligence, Plaintiff suffered general damages for past and future pain, suffering, embarrassment, and loss of quality of life in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

45. As a direct and proximate result of this hazard and Defendants' breach of their duty of care to Plaintiff and to maintain the safety of the premises, Plaintiff was injured, necessitating medical treatment, past and future, in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

46. As a further direct and proximate result of Defendants' negligence, Plaintiff incurred expenses for medical treatment in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

47. As a further direct and proximate result of Defendants' actions and/or omissions, as set forth above, Plaintiff has been required to retain an attorney to pursue this action against Defendants and is entitled to recover reasonable attorney's fees and costs of litigation.

FOURTH CAUSE OF ACTION
(Negligent Training and Supervision)

48. Plaintiff incorporates, by reference, each of the allegations set forth in the preceding paragraphs as if fully set forth herein.

1 49. Defendant, Sam's Club, had a duty to properly and adequately hire, train, retain, and
2 supervise employees and/or agents under its control so as to avoid unreasonable risk of harm to
3 its invitees and/or patrons.

4 50. Defendant, Sam's Club, was negligent in the hiring, training, retention, and supervision
5 of their respective agents, servant and/or employees, so as to directly and proximately cause
6 Plaintiff's damages and are liable for said damages.
7

8 51. As a direct and proximate result of Defendants' negligent training and supervision of
9 employees, Plaintiff suffered general damages for past and future pain, suffering,
10 embarrassment, and loss of quality of life in an amount in excess of Fifteen Thousand Dollars
11 (\$15,000.00).
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13 52. As a direct and proximate result of Defendants' negligent training and supervision of
14 employees, Plaintiff was injured, necessitating medical treatment, past and future, in an amount
15 in excess of Fifteen Thousand Dollars (\$15,000.00).
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17 53. As a direct and proximate result of Defendants' negligent training and supervision of
18 employees, Plaintiff incurred, or will incur, expenses for medical treatment in an amount in
19 excess of Fifteen Thousand Dollars (\$15,000.00).
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21 54. As a further direct and proximate result of this hazard and Defendants' negligent training
22 and supervision of employees, as set forth above, Plaintiff has been required to retain an attorney
23 to pursue this action against Defendants and is entitled to recover reasonable attorney's fees and
24 costs of litigation.
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PRAYER FOR RELIEF

2 WHEREFORE, Plaintiff prays for relief in Plaintiff's favor and against Defendants as
3 follows:

4 1. For judgment against Defendants;
5 2. For all damages as allowed by law including compensatory, general, and special
6 damages in an amount to be fully determined at trial;
7 3. For reasonable attorney's fees and costs;
8 4. For Plaintiff's costs;
9 5. For pre-judgment and post-judgment interest; and
10 6. For any other and further relief as the court may deem just and proper.

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12 Dated: November 24, 2021

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14 LAWRENCE C. HILL & ASSOCIATES



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